



TSM-33

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

M. ICHIKAWA et al

**ATTN: Manager,
Applications Branch**

Serial No. 10/608,010

Filed: June 30, 2003

For: HOT STANDBY SERVER SYSTEM

TRANSMITTAL OF LATE DECLARATION

Commissioner for Patents
Mail Stop Missing Parts
Alexandria, VA 22313-1450


Sir:

Responsive to the NOTICE TO FILE MISSING PARTS OF
NONPROVISIONAL APPLICATION - FILING DATE GRANTED mailed
January 2, 2004, Applicants previously submitted the executed
Declaration, along with the required surcharge as set forth in
37 CFR 1.16(e) on January 2, 2004. Enclosed is a copy of the
Transmittal of Late Declaration, Declaration and Power of
Attorney, and date stamped mailroom receipt.

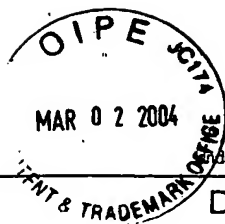
As required, a copy of the NOTICE of January 2, 2004 is
enclosed herewith.

Please charge any additional fees which may be required,
or credit any overpayment to our Deposit Account No. 50-1417.

Respectfully submitted,


John R. Mattingly
Registration No. 30,293
Attorney for Applicant(s)

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Date: March 2, 2004



Declaration and Power of Attorney for Patent Application

特許出願宣言書及び委任状

Japanese Language Declaration

日本語宣言書

私は、以下に記名された発明者として、ここに下記の通り宣言する : As a below named inventor, I hereby declare that:

私の住所、郵便の宛先そして国籍は、私の氏名の後に記載された通りである。

My residence, post office address and citizenship are as stated next to my name.

下記の名称の発明について、特許請求範囲に記載され、且つ特許が求められている発明主題に関して、私は、最初、最先且つ唯一の発明者である（唯一の氏名が記載されている場合）か、或いは最初、最先且つ共同発明者である（複数の氏名が記載されている場合）と信じている。

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

HOT STANDBY SERVER SYSTEM

上記発明の明細書はここに添付されているが、下記の欄がチェックされている場合は、この限りでない :

The specification of which is attached hereto unless the following box is checked:

☐ _____ に日に出願され、
この出願の米国出願番号または PCT 国際出願番号は、
_____ であり、且つ
_____ の日に補正された出願（該当する場合）

☒ was filed on 30 June 2003
as United States Application Number or
PCT International Application Number
10/608010 and was amended on
_____ (if applicable).

私は、上記の補正書によって補正された、特許請求範囲を含む上記明細書を検討し、且つ内容を理解していることをここに表明する。

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

私は、連邦規則法典第 37 編規則 1.56 に定義されている、特許性について重量な情報を開示する義務があることを認める。

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Japanese Language Declaration
(日本語宣言書)

私は、ここに、以下に記載した外国での特許出願または発明者証の出願、或いは米国以外の少なくとも一国を指定している米国法典第35編第365条(a)によるPCT国際出願について、同第119条(a)-(d)項又は第365条(b)項に基づいて優先権を主張するとともに、優先権を主張する本出願の出願日より前の出願日を有する外国での特許出願または発明者証の出願、或いはPCT国際出願については、いかなる出願も、下記の枠内をチェックすることにより示した。

I hereby claim foreign priority under Title 35, United States Code, Section 119 (a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT International application which designated at least one country other than the United States listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application for which priority is claimed.

Prior Foreign Application(s)
外国での先行出願

Priority Not Claimed
優先権主張なし

2002-266206
(Number)
(番号)

Japan
(Country)
(国名)

9/12/2002
(Day/Month/Year Filed)
(出願日/月/年)

☐

(Number)
(番号)

(Country)
(国名)

(Day/Month/Year Filed)
(出願日/月/年)

☐

私は、ここに、下記のいかなる米国仮特許出願についても、その米国法典第35編第119条(e)項の利益を主張する。

I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below.

(Application No.)
(出願番号)

(Filing Date)
(出願日)

(Application No.)
(出願番号)

(Filing Date)
(出願日)

私は、ここに、下記のいかなる米国出願についても、その米国法典第35編第120条に基づく利益を主張し、又米国を指定するいかなるPCT国際出願についても、その同第365条(c)に基づく利益を主張する。また、本出願の各特許請求の範囲の主題が、米国法典第35編第112条第1段に規定された態様で、先行する米国出願又はPCT国際出願に開示されていない場合においては、その先行出願の出願日と本国内出願日またはPCT国際出願日との間の期間中に入手された情報で、連邦規則法典第37編規則1.56に定義された特許性に関わる重要な情報について開示義務があることを承認する。

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s), or 365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code Section 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of application.

(Application No.)
(出願番号)

(Filing Date)
(出願日)

(Status: Patented, Pending, Abandoned)
(現況 : 特許許可、係属中、放棄)

(Application No.)
(出願番号)

(Filing Date)
(出願日)

(Status: Patented, Pending, Abandoned)
(現況 : 特許許可、係属中、放棄)

私は、ここに表明された私自身の知識に係わる陳述が真実であり、且つ情報と信ずることに基づく陳述が、真実であると信じられることを宣言し、さらに、故意に虚偽の陳述などを行った場合は、米国法典第18編第1001条に基づき、罰金または拘禁、若しくはその両方により処罰され、またそのような故意による虚偽の陳述は、本出願またはそれに対して発行されるいかなる特許も、その有効性に問題が生ずることを理解した上で陳述が行われたことを、ここに宣言する。

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Japanese Language Declaration (日本語宣言書)

委任状 : 私は本出願を審査する手続を行い、且つ米国特許商標庁との全ての業務を遂行するために、記名された発明者として、下記の弁護士及び/または弁理士を任命する。(氏名及び登録番号を記載すること)

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith (list name and registration number).

Donald R. Antonelli, Reg. No. 20,296; David T. Terry, Reg. No. 20,178; Melvin Kraus, Reg. No. 22,466; William I. Solomon, Reg. No. 28,565; Gregory E. Montone, Reg. No. 28,141; Ronald J. Shore, Reg. No. 28,577; Donald E. Stout, Reg. No. 26,422; Alan E. Schiavelli, Reg. No. 32,087; James N. Dresser, Reg. No. 22,973 and Carl I. Brundage, Reg. No. 29,621

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国籍	Citizenship	Japan	
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第二共同発明者がいる場合、その氏名	Full name of second joint inventor, if any	Hideaki SAMPEI	
第二共同発明者の署名	日付	Second inventor's signature	Date
		Hideaki Sampei	Sep. 02, 2003
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国籍	Citizenship	Japan	
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(第三以下の共同発明者についても同様に記載し、署名をすること)

(Supply similar information and signature for third and subsequent joint unventors.)

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

第三共同発明者がいる場合、その氏名		Full name of third joint inventor, if any	
		Toshiyuki UKAI	
第三共同発明者の署名	日付	Third inventor's signature	Date
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第六共同発明者がいる場合、その氏名		Full name of sixth joint inventor, if any	
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In re Patent Application of

M. ICHIKAWA et al

Serial No. 10/608,010

Filed: June 30, 2003

For: HOT STANDBY SERVER SYSTEM



Papers Filed Herewith:

TRANSMITTAL OF LATE DECLARATION;
Executed Declaration and Power of Attorney; and
Credit Card Payment Form in the amount of \$130.00
in payment of Surcharge for Late Declaration.

Receipt is hereby acknowledged of the papers filed, as
identified in connection with the above-identified patent
application.

COMMISSIONER OF PATENTS AND TRADEMARKS